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REGARD TO THE IMPLEMENTATION OF THE
DECLARATION ON THE GRANTING OF
INDEPENDENCE TO COLONIAL COUNTRIES
AND PEOPLES

WESTERN SAHARA

Working paper prepared by the Secretariat

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I. GENERAL

1. A detailed account of general conditions and developments relating to Western Sahara was provided in a previous working paper on the Territory prepared by the Secretariat (A/AC.109/1194).

II. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS FIFTIETH SESSION

2. At the fiftieth session of the General Assembly, reference was made to the question of Western Sahara by a number of representatives during their statements in plenary meetings. An account of the Fourth Committee's consideration of the item at the fiftieth session is given in the related report of the Committee to the General Assembly (A/50/602).

3. On 6 December 1995, on the recommendation of the Fourth Committee, the General Assembly adopted, without a vote, resolution 50/36 on the question of Western Sahara. The operative part of the resolution reads as follows:

"The General Assembly,

"...

"1. Takes note with appreciation of the report of the Secretary-General (A/50/504);

"2. Pays tribute to the Secretary-General and the personnel of the United Nations Mission for the Referendum in Western Sahara for their action with a view to settling the question of Western Sahara by the implementation of the settlement plan;

"3. Reiterates its support for further efforts of the Secretary-General for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in conformity with Security Council resolutions 658 (1990) and 690 (1991), by which the Council adopted the settlement plan for Western Sahara;

"4. Reaffirms that the goal on which all were agreed consists of the holding of a free, fair and impartial referendum for the people of Western Sahara, organized and conducted by the United Nations in cooperation with the Organization of African Unity and without any military or administrative constraints, in conformity with the settlement plan;

"5. Notes with concern the insufficient progress made towards the fulfilment of the settlement plan, including the identification process, the code of conduct, the release of political prisoners, the confinement of troops of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro and the arrangements for the reduction of the Moroccan troops in the Territory;

"6. Calls upon the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to work with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara in a spirit of genuine cooperation to implement the settlement plan in accordance with the relevant Security Council resolutions;

"7. Takes note of the decision of the Security Council to review the arrangements for the completion of the identification process on the basis of the report of the Secretary-General requested by the Council in paragraph 4 of its resolution 1017 (1995) and to consider at that time any further necessary measures which might need to be taken to ensure the prompt completion of that process and of all the other aspects relevant to the fulfilment of the settlement plan;

"8. Expresses the hope that direct talks between the two parties will soon resume in order to create a propitious atmosphere conducive to speedy and effective implementation of the settlement plan;

"9. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the ongoing referendum process, and to report thereon to the General Assembly at its fifty-first session;

"10. Invites the Secretary-General to submit to the General Assembly at its fifty-first session a report on the implementation of the present resolution."

III. GOOD OFFICES OF THE SECRETARY-GENERAL

4. An account of series of contacts and consultations undertaken in 1995 by the Secretary-General in the exercise of his good offices, within the context of General Assembly resolution 49/44 of 9 December 1994, is given in his report of 4 October 1995 to the Assembly at its fiftieth session (A/50/504). Since the circulation of that report, the Secretary-General, in close cooperation with the current Chairman of the Organization of African Unity (OAU), has continued to exercise his good offices with the parties concerned.

5. It may be recalled that the Security Council, by its resolution 1002 (1995) of 30 June 1995, requested the Secretary-General to make every effort to persuade the two parties to resume their participation in the implementation of the settlement plan; and endorsed the Secretary-General's benchmarks regarding the final text of the code of conduct, release of political prisoners, a ruling on the confinement of the troops of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) and the reduction of Moroccan troops in the Territory. The Council decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 September 1995 and requested the Secretary-General to report by 10 September on the progress achieved in the implementation of the settlement plan. The

Council also decided to consider further extension of the mandate of MINURSO depending on the progress of the settlement plan.

6. Pursuant to Security Council resolution 1002 (1995), the Secretary-General submitted his report on 8 September (S/1995/779), in which he informed the Council that following the return of the Security Council mission to the region undertaken from 3 to 9 June 1995, the Secretary-General of the Frente POLISARIO had addressed a letter to the President of the Security Council dated 23 June 1995, announcing the decision of the Frente POLISARIO to suspend its participation in the identification process and to withdraw its observers. The decision had been taken in protest against the sentencing by a Moroccan military tribunal on 21 June 1995 of eight Saharans to prison terms of from 15 to 20 years for having participated in a demonstration at Laayoune on 11 May 1995; and the announcement by Morocco to the Security Council mission of its intention to present for identification the 100,000 applicants residing outside the Territory.

7. The Secretary-General also reported that on 26 June 1995, his Acting Special Representative had met with the Minister of the Interior of Morocco and other senior officials at Rabat, when the Minister had urged that planning begin without delay to identify the 100,000 applicants currently residing outside the Territory. The Minister had stressed that his Government stood ready to assist MINURSO in every practical way, including the opening of additional centres, in Morocco and in the Territory.

8. On 26 June, the Prime Minister and Minister for Foreign Affairs and Cooperation of Morocco had addressed a letter to the President of the Security Council in response to the decision by the Frente POLISARIO to suspend its participation in the identification process. The Prime Minister stated that Morocco could not accept an indefinite postponement of the referendum and called upon the Council to "take all necessary steps to ensure the resumption of the process with a view to holding the referendum on schedule".

9. On 12 and 15 July, the Acting Special Representative of the Secretary-General had met again with the Prime Minister of Morocco and the Minister of the Interior, respectively, where the Moroccan authorities reiterated their wish to complete the process as expeditiously as possible.

10. Also on 12 July, the Secretary-General of the Frente POLISARIO had addressed a letter to the President of the Security Council and to the Secretary-General in which he had reiterated the view of the Frente POLISARIO that "the 1974 Spanish census constitutes the only basis recognized in the settlement plan as accepted by the two parties and endorsed by the United Nations" and had deemed unacceptable what he termed "the participation of a substitute population, sought by the occupying Power, whose most recent manoeuvre was to attempt to include 100,000 of its nationals in the voters list".

11. On 3 August, the Minister of the Interior of Morocco had visited the MINURSO Identification Centre at Laayoune and presented the Acting Special Representative of the Secretary-General with two letters confirming his Government's commitment to proceeding as expeditiously as possible with the

identification of all remaining applicants. He had emphasized his Government's readiness to assist in opening 40 new centres in Morocco and in the Territory and providing all the necessary technical and logistic support.

12. On 4 August, the Secretary-General of the Frente POLISARIO had reiterated his party's view regarding the unacceptability of many of the latest applicants for identification, most especially the 100,000 applicants not residing in the Territory.

13. On 7 August, the Frente POLISARIO had conveyed orally to MINURSO its decision that it would no longer participate in the identification, even within the Territory, until the following conditions had been met: (a) the provision of a complete list of all the applicants under the three groupings; and (b) their classification by subfraction, the criteria under which they were applying and their actual residence (see S/1995/779, para. 9).

14. On 25 August, the Secretary-General had received a letter dated 23 August from the Prime Minister of Morocco, in which he had reiterated his Government's conviction that all applicants should be treated equally and were entitled to be presented for identification (see S/1995/779, para. 10).

15. By the end of August 1995, a total of over 53,000 persons had been identified since the process began a year earlier. That represented over 40 per cent of persons residing in the Territory and over 51 per cent of those in the refugee camps near Tindouf. The core problem in the identification process concerned certain tribal groupings. Of the 88 categories in the 1974 census, nearly all related to tribal groups. Although agreement had been reached with the parties on sheikhs and their alternates to identify members of tribal groups, there were major differences of perception between the Frente POLISARIO and the Government of Morocco. Morocco maintained that under the settlement plan, all members of the tribal groups that were represented in the census could apply in order to be identified and to establish their eligibility to vote on the basis of any of the five criteria. The Frente POLISARIO insisted the plan's reference to tribal "subfractions belonging to the Territory" should be interpreted strictly as subfractions, the majority of whose members were found in Western Sahara at the time of the census (S/1995/779, paras. 12-16).

16. In his report (S/1995/779), the Secretary-General observed that in spite of best efforts of those responsible, the programme in the identification process during the three months ending in August had been disappointing. He also reported that the proposed benchmarks concerning the confinement of the Frente POLISARIO troops and the terms of the code of conduct had for the most part not been achieved.

17. The Secretary-General further observed that were the two parties to cooperate fully, identification in all four refugee camps and three of the four centres in the Territory could be completed. He added that the identification process would continue and be expanded to cover all applicants within and outside the Territory, only if two partly related issues were resolved: the Frente POLISARIO's objection to the 100,000 applications from persons living outside the Territory in southern Morocco as well its major reservations about

members of certain tribal groupings also in the Territory, namely, the "Tribus del Norte", "Costeras y del Sur" and "Chorfa".

18. The Government of Morocco, on the other hand, was insistent that there should be no discrimination between applicants, irrespective of whether they were currently residing in or outside the Territory and irrespective of the criterion under which they applied to be included in the electoral roll. Therefore, both sides were reluctant to compromise on any issue that they believed could weaken their position.

19. The Secretary-General noted that MINURSO had an obligation to consider all applications which had been correctly submitted in order to establish the personal identity of the applicant and to determine whether he or she qualified for inclusion in the electoral roll under one of the five eligibility criteria.

20. At its 3582nd meeting, on 22 September 1995, the Security Council, having considered the Secretary-General's report (S/1995/779), adopted resolution 1017 (1995) in which it approved the extension of MINURSO's mandate until 31 January 1996 as proposed in paragraph 52 of the Secretary-General's report and took note of his intention, if, before then, he considered that the conditions necessary for the start of the transitional period were not in place, to present the Security Council with alternative options for consideration, including the possibility of the withdrawal of MINURSO.

21. By the same resolution, the Security Council, inter alia, reiterated its commitment to the holding, without further delay, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties; expressed its disappointment that, since the adoption of resolution 1002 (1995), the parties had made insufficient progress towards the fulfilment of the settlement plan, including the identification process, the code of conduct, the release of political prisoners, the confinement of Frente POLISARIO troops and the arrangements for the reduction of Moroccan troops in the Territory; called upon the two parties to work henceforth with the Secretary-General and MINURSO in a spirit of genuine cooperation to implement the settlement plan in accordance with the relevant resolutions, to abandon their insistence on strict reciprocity in the operation of the identification centres and to cease all other procrastinating actions that could further delay the holding of the referendum; requested the Secretary-General, in close consultation with the parties, to produce specific and detailed proposals to resolve the problems hindering the completion of the identification process in the framework of the relevant Security Council resolutions, in particular resolution 907 (1994) relating to the compromise proposal of the Secretary-General (S/26185), and resolution 1002 (1995) relating to the recommendations of the Security Council mission (S/1995/498), and to report on the outcome of his efforts in that regard by 15 November 1995; and requested the Secretary-General to report by 15 January 1996 on progress achieved towards the implementation of the settlement plan, and to state in that report whether or not the transitional period would be able to begin by 31 May 1996.

22. In his report of 24 November 1995 (S/1995/986), submitted in pursuance of Security Council resolution 1017 (1995), the Secretary-General suggested that in

view of the reluctance of the parties to compromise on any identification issue, identification should be based on documentary evidence. He had explained his proposal in more detail at a meeting on 10 October 1995 with Mr. Driss Slaovi, Counsellor to King Hassan II of Morocco, Mr. Driss Basri, Minister of State for the Interior, General Housni Bensliman and Ambassador Ahmed Snoussi. The proposal had also been communicated to members of the Security Council and the Frente POLISARIO leadership. The Secretary-General had elaborated his proposal in a letter dated 27 October 1995 to the President of the Security Council (S/1995/924).

23. In his report (S/1995/986), the Secretary-General stated that in a letter dated 26 October, Mr. Ali Beiba of the Frente POLISARIO had assured the Secretary-General's Acting Special Representative of the Frente POLISARIO's willingness to cooperate with the programme that the Secretary-General would establish to identify all persons whose applications had been received in the Territory and outside, in the camps and the Tindouf region and in Mauritania, in conformity with the settlement plan.

24. The Government of Morocco had informed the Secretary-General's Acting Special Representative of its unwillingness to accept a process that would differentiate between different groups of applicants and reiterated its insistence on oral testimony. In communications dated 25 and 29 October 1995, Mr. Basri had rejected a change in procedure, which his Government believed was prejudicial to the inalienable rights of Western Saharans to equal treatment by the Identification Commission and to the interest of Morocco. Morocco had considered the Secretary-General's suggested "simplification" of the procedure as a radical departure from the settlement plan and the instructions to the Identification Commission, which recognized the specific nature of Saharan society and the role of oral testimony alongside various types of documentary evidence. The Minister had reiterated Morocco's reservations regarding documents issued by the former Spanish administration of the Territory.

25. At that point, the Secretary-General reported, he had proposed the adoption of the following procedure in accordance with established practice, both parties would be invited to present a sheikh or alternate of the subfraction concerned, as follows: (a) when both parties presented a sheikh or alternate, one from each side, identification would take place according to the normal procedure; (b) when one party failed to provide a sheikh or alternate, identification would take place on the basis of appropriate documentation, with the assistance of the one sheikh present; and (c) when neither party provided a sheikh or alternate, identification would be based on documentary evidence only.

26. On 13 November, the Government of Morocco had sought assurance that when there was only one sheikh present, he would contribute to the identification in exactly the same manner as when there were two. It again emphasized the "privileged" place of oral testimony in the identification process. It considered the reference to appropriate documentation as too vague and therefore liable to a restrictive interpretation. It found unacceptable the proposal that identification could take place without the participation of any sheikh. In its view, that had no basis in the settlement plan and instructions to the Identification Commission, since it would exclude oral testimony entirely.

27. On 18 November, Mr. Mohamed Abdelaziz, Secretary-General of the Frente POLISARIO, had stated that the Frente POLISARIO would not subscribe to the Secretary-General's new proposal, which it considered a reversal of the earlier approach. In the Frente POLISARIO's view, the implementation of the Secretary-General's proposal would again give Morocco an added advantage and the opportunity to introduce by means of a sheikh of its choice and of its own documents, 135,000 applicants who had no ties with Western Sahara. That would be tantamount to holding a referendum for a people other than Western Saharans.

28. In his report (S/1995/986), the Secretary General noted that by 18 November 1995, all 233,487 applications had been processed (176,533 in the Territory and on the Moroccan side, 42,468 in the camps and Tindouf area, and 14,486 in Mauritania). Of those, 75,794 had been convoked (46,701 in the Territory and 29,093 in the camps), of which 58,947 had been identified (37,708 in the Territory and 21,239 in the camps). In spite of repeated convocations, the number of applicants to come forward varied from 75 per cent of those convoked in the camps to 80 per cent in the Territory.

29. A total of 157,693 applicants remained to be convoked, and if identification was allowed to proceed in accordance with the above procedures and without interruption, a total of 12 centres, at the rate of 3,000 per month at one centre, should be able to complete identification within four months, at a rate of 36,000 applicants per month.

30. The Secretary-General observed (S/1995/986, paras. 15 and 16) that identification would continue irrespective of the absence of sheikh, representative or observer once the schedule for identification had been duly communicated to the parties, the convocation list issued and the hours of work announced. In all cases there would be no change in the procedure already established. It would be up to the Identification Commission to determine the validity of the oral testimony and of the documentary evidence and to decide on the merits of each applicant to be included in the electoral roll.

31. The Secretary-General further observed that neither party was likely to be satisfied with his new proposal to proceed with the identification. Morocco wanted to limit, to the extent possible, the role of the documentary evidence and give privilege to that of oral testimony. The Frente POLISARIO considered that the implementation of the new approach could allow for the introduction of applicants who had no ties with Western Sahara. However, the Secretary-General concluded that the new approach was the only way the process could be carried forward. He noted that should it fail to proceed with the necessary speed, it would be his intention, as requested by the Security Council in its resolution 1017 (1995), to present for the consideration of the Council alternative options, including the possibility of the withdrawal of MINURSO.

32. On 19 December 1995, the Security Council, having considered the report of the Secretary-General (S/1995/986), adopted resolution 1033 (1995), in which it welcomed the decision of the Secretary-General to intensify his consultations with the two parties in order to obtain their agreement to a plan to resolve differences hindering the timely completion of the identification process; requested the Secretary-General to report to the Council on the results of those consultations on an urgent basis and, in the event those consultations failed to

reach agreement, to provide the Council with options for its consideration, including a programme for the orderly withdrawal of MINURSO; and called upon the two parties to work with the Secretary-General and MINURSO in a spirit of genuine cooperation to implement all the other aspects of the settlement plan, in accordance with the relevant resolutions.

33. Pursuant to that resolution, a mission headed by Under-Secretary-General Chinmaya Gharekhan, acting as the Secretary-General's Special Envoy, visited Rabat (2-4 January), Tindouf (4 and 5 January), Nouakchott (5 and 6 January) and Algiers (7-9 January) (see S/1996/43 and Corr.1).

34. At both Rabat and Tindouf, the Special Envoy of the Secretary-General stressed the need for both parties to take urgent steps to overcome their differences relating to the implementation of basic aspects of the settlement plan in order to provide a basis for the Security Council to support the continuation of MINURSO. Both sides confirmed their commitment and continuing desire to hold a free and fair referendum on the future status of Western Sahara in conformity with the settlement plan. They assured their readiness to cooperate fully with the United Nations in order to overcome the obstacles standing in the way of the implementation of the plan. At the same time, each of the parties insisted that there was no room left for additional concessions on its part. Consequently, each party stressed that progress was contingent on the readiness of the other party to adjust its position as required. Morocco underlined that it was the Commission's duty to process each and every application submitted before the expiry of the deadline established for that purpose, irrespective of the present place of residence of the applicant. It insisted that the Identification Commission must give equal weight to all forms of evidence offered by applicants in support of their claims to eligibility, be it documentary proofs or oral testimony.

35. The Frente POLISARIO agreed to participate in the identification of all applicant members of the subfractions that were represented in the 1974 census, being those for which a list of sheikhs or alternates had already been drawn up. The Frente POLISARIO could not participate in processing of applicants from the H41, H61 and J51/52 tribal groups, which were not represented by subfractions in the 1974 census.

36. During meetings at Nouakchott and Algiers, the leaders of two observer countries (Mauritania and Algeria) confirmed their continuing strong interest in a speedy settlement of the Western Saharan conflict.

37. The mission of the Secretary-General's Special Envoy took place against a background of a near standstill in the identification process. As a consequence, only 7,935 persons had been identified from 1 September 1995 until the end of December 1995, bringing the total number of persons identified to 60,257 out of 76,992 convoked. With some 174,000 applicants remaining to be convoked for identification in January 1996, it was clear that even if the identification were to be immediately resumed and accelerated, the earlier forecast calling for a referendum to be held in May 1996 was no longer realistic.

38. In the light of the results of the Special Envoy's mission and other relevant circumstances described in the report (S/1996/43 and Corr.1), the Secretary-General suggested that the Council might wish to consider, as one option, extending the mandate of MINURSO for four months ending on 31 May 1996. As a possible second option, the Security Council might conclude that it could not justify a further extension without imposing conditions in terms of solutions to outstanding problems by specific dates, and that plans should therefore be prepared for a phased withdrawal of MINURSO. However, the Secretary-General concluded his report by noting that the possibility of the Security Council considering phasing down, and eventually closing down, MINURSO, could have destabilizing consequences for the region.

39. In considering the report of the Secretary-General (S/1996/43 and Corr.1), the Security Council, in its resolution 1042 (1996) of 31 January 1996, decided to extend the mandate of MINURSO until 31 May 1996, supported the intention of the Secretary-General, in the absence of meaningful progress towards completion of the settlement plan, to bring the situation to the immediate attention of the Council and invited the Secretary-General in that eventuality to submit for consideration a detailed programme for a phased withdrawal of MINURSO.

40. In his report of 8 May 1996 (S/1996/343), the Secretary-General reported that on 1 February 1996, immediately after the adoption of resolution 1042 (1996), his Acting Special Representative had written to both parties for the resumption of the identification process and had prepared a detailed programme to complete the process within 26 weeks. Subsequently, the Acting Special Representative met with senior officials of the Government of Morocco on 5, 8 and 15 February. During the last meeting, the Government indicated that it wished to proceed with the identification process in accordance with the settlement plan, provided there was no differentiation of treatment between different tribes and tribal groupings of the 1974 census. In other words, it would not have been possible to postpone processing of the contested groups. On 6 March, the Minister of the Interior informed the Acting Special Representative that in a spirit of compromise, the identification process could restart with applicants from groups not contested by the Frente POLISARIO (tribes A to G) on the understanding that applicants from some H, I and J tribal groups would also be included. Morocco agreed that the more contentious H41, H61 and J51/52 groupings could be considered from the seventh week onward. However, the Moroccan position against the disclosure of the list remained unchanged.

41. The Frente POLISARIO indicated that the Secretary-General's report of 19 January 1996 (S/1996/43 and Corr.1) contained certain misunderstandings: the Frente POLISARIO position had always been and still was that all the Tribus del Norte, Chofra and Costeras y del Sur tribal groups, known as H, I and J, were unacceptable for identification because they were groupings of tribes and were not composed of subfractions in the strict sense of the 1974 census. Later, Mr. Bashir indicated that he would discuss the settlement plan as a whole, at a meeting to be attended by the heads of all the MINURSO components, as well as by the Independent Jurist. He also wanted all the lists to be made available before discussing the proposed identification programme. On 4 April, while expressing the wish of the Frente POLISARIO to proceed with identification and the implementation of the settlement plan, Mr. Bashir agreed to participate only in the processing of applicants from groups not contested. He further indicated

that the Frente POLISARIO would not commit itself to participate in the identification of applicants from the contested H to J groups.

42. The Secretary-General pointed out in his report (S/1996/343) that since its inception, the identification process had been based on the agreement of both parties and their willingness to cooperate. By the end of April 1996, only 60,000 persons had been identified (although over 77,000 had been convoked); however, another 156,924 still remained to be identified.

43. There had been no significant progress on the implementation of other aspects of the plan, such as the release of political prisoners, the exchange of prisoners of war, the reduction of Moroccan forces and the confinement of Frente POLISARIO troops. On 2 May, the Government of Morocco submitted some preliminary observations on the draft code of conduct for the referendum for consideration by MINURSO. In fact, the implementation of the settlement plan, which had reached that stage only through creative compromises, appeared to have come to an impasse.

44. Under the circumstances, the Secretary-General was compelled to conclude that the required willingness did not exist to give MINURSO the cooperation needed for it to resume and complete the identification process within a reasonable period of time. He therefore felt obliged to recommend that the identification process be suspended until such time as both parties provided convincing evidence that they were committed to complete the process without further obstacles (A/1996/343, para. 29) The Secretary-General also proposed reduction in the strength of the military component of MINURSO by 20 per cent, which would not impair its operational effectiveness in the field.

45. The Secretary-General's recommendation to suspend the work of the Identification Commission and to reduce the number of civilian police and military observers implied no lessening of resolve to discharge the mandate entrusted to him by the Security Council. He added that the United Nations could not abandon its responsibility to decide the future status for the people of Western Sahara in a way that would bring lasting peace and stability (ibid., para. 35).

46. The Secretary-General proposed to maintain a political office, headed by his Acting Special Representative and staffed by a small number of political officers, at Laayoune, with a liaison office at Tindouf, in order to maintain dialogue with the parties and the two neighbouring countries (ibid., para. 36).

47. The Secretary-General recommended the extension of MINURSO's mandate for a period of six months at the reduced strength outlined above (ibid., para. 38).

48. In the memorandum attached to a letter dated 10 May 1996, addressed to the Secretary-General (S/1996/345), the Government of Morocco recalled the reports of the Secretary-General to the Security Council (S/1995/986, S/1995/779 and S/1996/43 and Corr.1) and cited the reasons for the stalemate in the identification process. It maintained that it was the refusal of the Frente POLISARIO not to participate in the identification process relating to certain tribal groups and persons not resident in the Territory that had created the stalemate. It added that "the Kingdom of Morocco, for its part, wishes to

reaffirm solemnly that it respects the settlement plan and that it has done all it can to facilitate the plan's implementation". It further said that "We strongly hope that we will not come to regret that the efforts made, the energy spent and the resources committed by the international community did not lead to the settlement of the question of Western Sahara" and expressed the hope "that the international community will not abandon these efforts".

49. In a memorandum by the Frente POLISARIO which was transmitted to the Secretary-General on 22 May by the Permanent Representatives of Namibia and the United Republic of Tanzania to the United Nations (S/1996/366), the causes of a possible failure of MINURSO were attributed "to the combination of an open Moroccan opposition to a free and fair referendum and a surprising lack of firmness shown by MINURSO in the management of the peace plan". It said that "the categorical opposition of Morocco to the principle of transparency in the management of the peace process was a decisive factor" for the failure. Among other factors that led to the failure, it mentioned "the imposition of a radical change of the original peace plan in December 1991, the massive transfer of Moroccan settlers into the territory, the rejection of direct dialogue with the Frente POLISARIO and statements of high-level Moroccan authorities declaring that they will not accept the result of a referendum in favour of independence".

50. It said that the international community had a responsibility to bring the process to its completion in order to prevent a regional crisis of dangerous and unpredictable proportions. In this regard, it asked for the identification process of voters to resume, provided that the process was ruled by transparency, and that an appeal be made to the parties in the conflict to start direct negotiations under the auspices of the United Nations, in order to resolve the outstanding problems.

51. On 23 May, the current Chairman and the Secretary-General of OAU addressed a letter to the Secretary-General (S/1996/376) expressing their concern at the present impasse in the implementation of the settlement plan as a result of the difficulties encountered in the identification process of the voters. They expressed their concern about any relaxation of efforts of the United Nations in the implementation of the settlement of the conflict. They also hoped that the United Nations Security Council would ensure that nothing would be done that could jeopardize the implementation process of the settlement plan for Western Sahara with far-reaching implications for peace, stability and security in the region.

52. In its resolution 1056 (1996) of 29 May 1996, the Security Council, having considered the report of the Secretary-General and taken note of the views expressed by the Government of Morocco, the Frente POLISARIO and OAU, agreed with the recommendations of the Secretary-General that the identification process be suspended until such time as both parties provided concrete and convincing evidence that they were committed to resume and complete the process in accordance with the settlement plan. The Council supported the proposal to maintain a political office to continue dialogue with the parties of the neighbouring countries. The Council decided to extend the mandate of MINURSO until 30 November 1996 and reminded the parties that if significant process was not achieved during that period, the Council would have to consider other measures, including possible further reductions in the strength of MINURSO, but

stressed its readiness to support the resumption of the identification process as soon as the parties had demonstrated the necessary political will, cooperation and flexibility. The Council requested the Secretary-General to continue his efforts with the parties to break the impasse blocking the implementation of the settlement plan and to submit a report to the Council by 31 August 1996 on the outcome of his efforts. It also requested the Secretary-General to keep the Council closely informed of all significant developments, including their humanitarian aspects, and to submit a comprehensive report on the implementation of resolution 1056 (1996) by 10 November 1996.

IV. POLITICAL AND OTHER DEVELOPMENTS

53. At the fiftieth session of the General Assembly, the Fourth Committee had before it the report of the Secretary-General on the question of Western Sahara (A/50/504), submitted in accordance with General Assembly resolution 49/44 of 9 December 1994.

54. At its 2nd meeting, on 4 October 1995, the Fourth Committee decided to defer consideration of one request for hearing relating to Western Sahara pending consultations with the Bureau and the delegations concerned.

55. On 9 October, a representative of the Frente POLISARIO, speaking at the 3rd meeting of the Fourth Committee (see A/C.4/50/SR.3), recalled that the first United Nations commission of inquiry dispatched to Western Sahara 20 years earlier, as well as the International Court of Justice in a subsequent judgement, had failed to support Morocco's claims to the then Territory. The Saharan people had from the start clearly opted for independence, a fact that would have been confirmed by the referendum on self-determination that the United Nations had been urging since 1965, which would have brought about decolonization peacefully and naturally. Instead, Morocco had invaded the country and imposed a brutal colonial occupation which was an affront to the principles of the Charter of the United Nations and which had been resisted for 20 years by the Saharan people.

56. The representative of Frente POLISARIO said that the adoption of the settlement plan for Western Sahara, outlined in Security Council resolutions 658 (1990) of 27 June 1990 and 690 (1991) of 29 April 1991, and subscribed to by both parties, had been made possible by good-faith concessions by the Saharan side, but the subsequent implementation of the agreed arrangements for the proposed referendum had been deliberately subverted by new voter-identification and other conditions demanded by Morocco. Following further concessions by the Saharan party, and a welcome visit to Western Sahara by a Security Council mission in June 1995, the credibility of the self-determination referendum now depended chiefly upon the trustworthiness and transparency of the voter-identification operation, United Nations guarantees of compliance with the results of the referendum and the resolution of transitional issues such as the reduction and cantonment of Moroccan troops, the adoption of a code of conduct, the release of political prisoners and exchange of prisoners of war and the presence of independent observers.

57. The representative of the Frente POLISARIO went on to say that large-scale fraud had been perpetrated by the Government of Morocco. The most flagrant instance was incredible claims made by 3,000 settlers to the Identification Commission; there was a strong possibility that they had been coached to memorize particulars of false identities ascribed to them. He therefore wondered how the Commission was to resolve the cases of the thousands of settlers who claimed to be Saharans. There was no convincing answer to that question, on which depended the credibility of the referendum operation in Western Sahara. There had been not only an unseemly influx of applications, but evidence that the Government of the occupying Power had gained control over the pace and direction of the process. Evidence for that came from the Security Council mission, the former Vice-Chairman of the Identification Commission, various newspapers and the United States non-governmental organization Human Rights Watch. From all those sources it was clear that the Government of Morocco was putting pressure on all parties to ensure that the referendum process was not carried out in a transparent manner. Human Rights Watch itself had been harassed. In an open letter to the members of the Security Council, it had deplored the regular obstruction of the referendum process and urged the Council to send a strong signal to the Moroccan Government that its interference with the operation of the Mission must cease immediately. It feared that if the Mission were not promptly provided with the necessary tools and authority to organize and conduct a free and fair referendum there was a danger that it would be forced to withdraw.

58. He added that all of the foregoing made it imperative that the United Nations exert the necessary efforts to restore the credibility of the operation and ensure the fair and transparent implementation of the settlement plan, as it was not only the credibility of the United Nations that was at stake but also the peace and security of the region.

59. The representative of the Frente POLISARIO said that the human rights situation in Western Sahara had deteriorated disturbingly since the arrival of MINURSO. The Frente POLISARIO wished to reiterate its request, made in 1993 to the United Nations Human Rights Committee, that a commission of inquiry be sent to Western Sahara. It also wished to inform the Committee that the 200 Moroccan prisoners of war who had been released by the Frente POLISARIO as a gesture of peace in 1989 had not yet been permitted by the Moroccan Government to return to their country.

60. The representative of the Frente POLISARIO further said that the holding of a fair, free and impartial referendum for the Saharan people to determine its future was the approach agreed to, and the only one consonant with the principles laid down in the Charter of the United Nations. The Frente POLISARIO also believed that a direct, responsible and constructive dialogue between it and the Kingdom of Morocco could help create a climate conducive to the transparent and fair implementation of the peace plan.

61. At the 4th meeting, on 10 October, the representative of Morocco proposed suspending the meeting under rule 118 of the rules of procedure of the General Assembly (see A/C.4/50/SR.4). The Committee rejected the proposal by a recorded vote of 56 to 12, with 8 abstentions. The representative of Algeria requested a recorded vote on his proposal to circulate as an official document the request

for hearing of Mr. Frank Ruddy (A/C.4/50/4/Add.2). The Committee approved the proposal by a recorded vote of 71 to none, with 12 abstentions. The Committee decided to request the Legal Counsel of the United Nations to present at its next meeting his views on the request for hearing of Mr. Ruddy.

62. At the 5th meeting, on 11 October, the Legal Counsel of the United Nations presented the views on the request for hearing of Mr. Ruddy (see A/C.4/50/SR.5). The representative of Algeria requested a recorded vote on the request for hearing of Mr. Ruddy. The request for hearing was rejected by a recorded vote of 38 to 32, with 20 abstentions.

63. On 11 October, the Permanent Representative of Morocco to the United Nations, speaking at the 6th meeting of the Fourth Committee (see A/C.4/50/SR.6), said that while remaining more than ever determined to regain its territorial integrity, of which it had been deprived by colonization, Morocco had unceasingly attempted to find a just and definitive solution to the problem of Western Sahara. His country had taken the initiative in requesting that a referendum on self-determination in Western Sahara should be organized and had then cooperated fully in preparing for it, at the cost of considerable material sacrifice, and it was disappointing that following the acceptance by his Government on 26 June 1995 of the Secretary-General's criteria for identification under Security Council resolution 725 (1991), despite its serious reservations, those criteria had been completely rejected as a result of representations by the other party.

64. The Permanent Representative of Morocco said that Morocco had then accepted the compromise interpretation and application of criteria proposed by the Secretary-General, which the other party had eventually half-heartedly accepted. Despite its acceptance, it had instructed its sheikhs - heads of tribes - to oppose, almost systematically, the application of anyone who had submitted himself for identification under criteria 4 and 5, while itself accepting the application of two men called Bashir Sayed and Abdul Aziz, overlooking the plain fact that any applicant could only be accepted by the Identification Commission; that applied equally to applicants residing outside the Territory. Morocco reaffirmed its wish to restore full citizenship to Saharans living outside the Territory, as it had for Saharans living in Morocco itself. At the same time, it emphasized the need for MINURSO to remain in place, since it was a force for stability in the region.

65. The Permanent Representative of Morocco further said that every time the Committee met there was talk of the need for a dialogue to settle problems, some of which were real, others not. There already existed a settlement plan, however, under the aegis of the Security Council and the Secretary-General, and a report on the matter was issued once a fortnight. None the less, Morocco had attempted a dialogue more than 15 times, yet each time someone clearly enjoying great authority had made sure it came to nothing. The time for serious action had arrived. Under the settlement plan, there were clear rules and deadlines for registration and identification. He defied anyone to say that his country had not respected them. It was hardly Morocco's fault that those claiming to act for over 30,000 refugees in fact represented a tiny proportion of real Saharans. The 181,000 plus already registered had conformed to the criteria established by the Secretary-General and approved in Security Council

resolutions 725 (1991) and 907 (1994), as well as being agreed by both parties. Over 25,000 remained, currently living in camps. It was up to the Identification Commission to accept or reject applications, and no one had the right to prevent a Saharan from appearing before the Commission. Moreover, in Morocco itself there were 700,000 possible candidates representing three generations of exiled Saharans. The other criteria unrelated to the Spanish census of 1974 had been wilfully ignored. The claim had been made that the four criteria recognized by both parties were invalid unless they gave the men called Abdul Aziz and Bashir Sayed the right to identification, even though they did not appear in the 1974 census and indeed in 1973 they had both been in Morocco.

66. The Permanent Representative of Morocco added that despite the efforts of the Mission and the good will of his country, the identification operation had met with delays which Morocco deplored and for which it was in no way responsible. It had protested to the Secretary-General as recently as August 1995 at the various delaying tactics, which put the implementation of the settlement plan at risk. It had also drawn his attention to the interpretation and application of the identification criteria on the ground, which violated the spirit and the letter of the settlement plan. His country had been very patient, it had been cooperative at all times and it had suffered considerable sacrifices. It was time for the issue to be settled once and for all. The Committee should inform the General Assembly of the increasing difficulty that the Mission was facing in continuing to function, both financially and operationally. In that area, there were real problems to be overcome.

67. Speaking at the 15th meeting of the Fourth Committee on 3 November on draft resolution A/C.4/50/L.5/Rev.1 on the question of Western Sahara (see A/C.4/50/SR.15), the Permanent Representative of Morocco observed that as the party primarily involved in safeguarding the wishes of the population of Western Sahara, Morocco had been the one to ask that a referendum should be held and had always cooperated fully with the settlement plan, as attested to by successive reports of the Secretary-General. Again at the current session, however, one delegation had, without consulting Morocco, submitted a draft resolution that departed from the Security Council resolutions on Western Sahara.

68. The Permanent Representative of Morocco proposed that the informal amendments to draft resolution A/C.4/50/L.5/Rev.1 that his delegation was about to submit to the Chairman should be included in the text in order to give it balance. He appealed to the Chairman to use his good offices to convince the sponsors to accept Morocco's amendments.

69. The Permanent Representative of Algeria to the United Nations said that, contrary to the Moroccan delegation's contention that it had not been contacted regarding the draft resolution under consideration, some of the sponsors, upon receiving through the most unofficial channels the so-called informal amendments just referred to, had in a constructive spirit offered some subamendments that had, through intermediaries, in fact been accepted by Morocco (see A/C.4/50/SR.15).

70. The Permanent Representative of Algeria said that the draft resolution as it now stood was a very balanced one that did not tilt towards either party. The sponsors were anxious that it should be adopted by consensus, for the text

set out basic principles and put the authority of the General Assembly solidly behind the Secretary-General and the Security Council in the hope of bringing the settlement process in Western Sahara to a close by the deadline of 31 January 1996. If the peace process was not saved, a conflict could be unleashed on Algeria's borders. Algeria, acting as a spokesman for the other party which was unable to speak for itself, asked the Chairman not to give in to the reluctance of one of the parties to cooperate. The draft resolution before the Committee protected the right of the Saharan people and safeguarded peace in the region.

71. The representative of the United States of America said that his delegation believed the issue should be settled in a way that furthered the peace process and avoided confrontation (see A/C.4/50/SR.15). The United States had tried to help build consensus around the draft resolution on Western Sahara at both the current and previous sessions, but had failed because of the unwillingness of one side to make very modest adjustments to a text. In view of Algeria's recognition of the utmost importance of consensus, of the need to save the peace process and of the critical juncture there could be no reason for it to object to having the Chairman use his good offices to bridge the gap.

72. At the same meeting, the representative of the United Republic of Tanzania, on behalf of the sponsors, introduced a revised draft resolution (A/C.4/50/L.5/Rev.1) and orally revised it (see A/C.4/50/SR.15). He said that the Committee had consistently followed with particular interest the question of Western Sahara; indeed, it had ensured the efforts aimed at restoring peace in Western Sahara through the joint good offices of the Secretary-General and the current Chairman of OAU. It had also supported from the start the settlement plan accepted by the Kingdom of Morocco and the Frente POLISARIO, which still faced problems in the way of its early implementation. It was in that spirit that the sponsors of the draft resolution had adopted a constructive approach with the aim of reaffirming full support for the implementation of the settlement plan based on Security Council resolutions 658 (1990) and 690 (1991). The large number of sponsors illustrated the merit of that approach and the desire of the international community to arrive at a just and lasting solution to the question.

73. Under the draft resolution, the General Assembly would express the hope that direct talks between the parties would resume shortly in order to create a climate conducive to a speedy and effective implementation of the plan. The draft was intended to give a decisive impetus to the process. To that end it should be adopted by consensus. Such a consensus would, he trusted, encourage all the parties concerned to implement the settlement plan fully, for the sake of peace and stability in the region.

74. The Permanent Representative of Morocco said that his delegation, while maintaining the reservations it had previously expressed, would not oppose the adoption of the draft resolution without a vote. It attached great importance to the new preambular paragraph, which indicated that the delays in the identification process constituted a serious obstacle to progress. The other additions were also justified, although the bulk of the problems listed in the new paragraph would cease to be relevant when the transition period was over.

75. At the same meeting, the Fourth Committee adopted revised draft resolution A/C.4/50/L.5/Rev.1, as orally revised, without a vote.

76. The General Assembly, at its 82nd plenary meeting, on 6 December 1995, adopted resolution 50/36 on the "Question of Western Sahara" without a vote (see para. 3 above).

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.109/2060
23 July 1996

SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

QUESTION OF THE NON-SELF-GOVERNING TERRITORIES OF AMERICAN SAMOA, ANGUILLA, BERMUDA, BRITISH VIRGIN ISLANDS, CAYMAN ISLANDS, GUAM, MONTSERRAT, PITCAIRN, ST. HELENA, TOKELAU, TURKS AND CAICOS ISLANDS AND UNITED STATES VIRGIN ISLANDS

Consolidated resolution adopted by the Special Committee at its 1456th meeting, on 22 July 1996

A. General

The Special Committee,

Having considered the questions of the Non-Self-Governing Territories of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands, hereinafter "the Territories",

Having examined the report of the Subcommittee on Small Territories, Petitions, Information and Assistance, 1/

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to those Territories, including, in particular, the resolutions adopted by the General Assembly at its fiftieth session on the individual Territories covered by the present resolution,

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1/ A/AC.109/L.1843.

Recognizing that the specific characteristics and the sentiments of the peoples of the Territories require flexible, practical and innovative approaches to the options of self-determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

Recalling General Assembly resolution 1541 (XV) of 15 December 1960, containing the principles that should guide Member States in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter of the United Nations,

Expressing its concern that even three and a half decades after the adoption of the Declaration there still remains a number of Non-Self-Governing Territories,

Conscious of the need to ensure the full and speedy implementation of the Declaration in respect of the Territories, in view of the target set by the United Nations to eradicate colonialism by the year 2000,

Recognizing that in the decolonization process there is no alternative to the principle of self-determination as enunciated by the General Assembly in its resolutions 1514 (XV), 1541 (XV) and other resolutions,

Noting with appreciation the continuing exemplary cooperation of New Zealand, as an administering Power, in the work of the Special Committee, and welcoming the recent constitutional developments in Tokelau,

Welcoming the stated position of the Government of the United Kingdom of Great Britain and Northern Ireland that it continues to take seriously its obligations under the Charter to develop self-government in the dependent Territories and, in cooperation with the locally elected Governments, to ensure that their constitutional frameworks continue to meet the wishes of the people, and the emphasis that it is ultimately for the peoples of the Territories to decide their future status,

Noting the stated position of the Government of the United States of America that it supports fully the principles of decolonization and takes seriously its obligations under the Charter of the United Nations to promote to the utmost the well-being of the inhabitants of the Territories under United States administration,

Aware of the special circumstances of the geographical location and economic conditions of each Territory, and bearing in mind the necessity of promoting economic stability and diversifying and strengthening further the economies of the respective Territories as a matter of priority,

Conscious of the particular vulnerability of the small Territories to natural disasters and environmental degradation,

Aware of the usefulness both to the Territories and to the Special Committee of the participation of appointed and elected representatives of the Territories in the work of the Special Committee,

Convinced that the wishes and aspirations of the peoples of the Territories should continue to guide the development of their future political status and that referendums, free and fair elections, and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

Convinced that any negotiations to determine the status of a Territory must not take place without an active involvement and participation of the people of that Territory,

Recognizing that all available options for self-determination are valid as long as they are in accordance with the freely expressed wishes of the peoples concerned and in conformity with the clearly defined principles contained in General Assembly resolutions 1514 (XV), 1541 (XV) and other Assembly resolutions,

Mindful that United Nations visiting missions provide an effective means of ascertaining the situation in the Territories, and considering that the possibility of sending further visiting missions to the Territories at an appropriate time and in consultation with the administering Powers should be kept under review,

Mindful also that the holding of the seminars in the Caribbean and Pacific regions alternately and at United Nations Headquarters or any other venue, as appropriate, provides an effective means for the Special Committee to discharge its mandate and promote the goals of the International Decade for the Eradication of Colonialism by the year 2000,

Mindful further that some Territories have not had any United Nations visiting mission for a long period of time,

Noting with appreciation the contribution to the development of some Territories by specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme, and regional institutions such as the Caribbean Development Bank,

1. Approves the report of the Subcommittee on Small Territories, Petitions, Information and Assistance relating to American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands;

2. Reaffirms the inalienable right of the peoples of the Territories to self-determination, including, if they so wish, independence, in conformity with the Charter of the United Nations and General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

3. Reaffirms also that it is ultimately for the peoples of the Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Powers, in cooperation with the territorial Governments, to

facilitate programmes of political education in the Territories in order to foster an awareness among the people of the legitimate political status options open to them in the exercise of their right to self-determination;

4. Requests the administering Powers, having ascertained the views of the peoples of the Territories, regularly to report to the Secretary-General on the wishes and aspirations of the people regarding their future political status;

5. Stresses the need to seek further ways and means to enhance the Special Committee's understanding of the conditions and wishes of the peoples of the Territories;

6. Requests the administering Powers and the representatives of the peoples of the Territories to assist the Special Committee by inviting the United Nations visiting missions at appropriate times to monitor the status of the Territories;

7. Reaffirms the responsibility of the administering Powers under the Charter to promote the economic and social development and to preserve the cultural identity of the Territories, and recommends that priority continue to be given, in consultation with the territorial Governments concerned, to the strengthening and diversification of their respective economies;

8. Requests the administering Powers in consultation with the peoples of the Territories to take all necessary measures to protect and conserve the environment of the Territories under their administration against any environmental degradation, and requests the specialized agencies concerned to continue to monitor environmental conditions in those Territories;

9. Calls upon the administering Powers, in cooperation with the respective territorial Governments, to continue to take all necessary measures to counter problems related to drug trafficking, money laundering and other offences;

10. Stresses that the achievement of the declared goal of the eradication of colonialism by the year 2000 requires the full and constructive cooperation of all parties concerned, in particular the administering Powers;

11. Urges Member States to contribute to the efforts of the United Nations to usher in the twenty-first century in a world free of colonialism, and calls upon them to continue to give their full support to the Special Committee in its endeavours towards that noble goal;

12. Invites the specialized agencies and other organizations of the United Nations system to initiate or to continue to take all necessary measures to accelerate progress in the social and economic life of the Territories;

13. Decides to continue the examination of the question of the small Territories in order to assist the peoples of the Territories to exercise their right to self-determination, and to report thereon to the General Assembly at its fifty-first session.

B. Resolutions on specific conditions prevailing in American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Turks and Caicos Islands and United States Virgin Islands

1. American Samoa

The Special Committee,

Referring to the general resolution above,

Noting the report by the administering Power that most American Samoa leaders express satisfaction with the island's present relationship with the United States of America,

Noting the non-participation of representatives of the people of American Samoa in the last two regional seminars,

Noting also that the Government of the Territory continues to have significant financial, budgetary and internal control problems and that the Territory's deficit and financial condition are compounded by the high demand for government services from the rapidly growing population, a limited economic and tax base, and recent natural disasters,

Noting further that the Territory, similar to isolated communities with limited funds, continues to experience lack of adequate medical facilities and other infrastructural requirements, especially the provision of safe drinking water to all villages in American Samoa,

Aware of the efforts of the Government of the Territory to control and reduce expenditures, while continuing its programme of expanding and diversifying the local economy,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Calls upon the administering Power to continue to assist the territorial Government in the economic and social development of the Territory, including measures to rebuild financial management capabilities and strengthening other governmental functions of the Government of the Territory.

2. Anguilla

The Special Committee,

Referring to the general resolution above,

Noting the non-receipt of up-to-date information on the Territory from the administering Power and that a last visiting mission took place in 1984,

Noting also that information considered by the Subcommittee on Small Territories, Petitions, Information and Assistance was made available from published sources,

Conscious of the commitment of both the Government of Anguilla and the administering Power to a new and closer policy of dialogue and partnership through the Country Policy Plan for 1993-1997,

Aware of the efforts of the Government of Anguilla to continue to develop the Territory as a viable offshore centre and well-regulated financial centre for investors, by enacting modern company and trust laws, as well as partnership and insurance legislation, and computerizing the company registry system,

Noting the need for continued cooperation between the administering Power and the territorial Government in tackling the problems of drug trafficking and money laundering,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Calls upon the administering Power and all countries, organizations and United Nations agencies to continue to assist the Territory in social and economic development.

3. Bermuda

The Special Committee,

Referring to the general resolution above,

Noting the results of the independence referendum held on 16 August 1995,

Conscious of the different viewpoints of the political parties of the Territory on the future status of the Territory,

Noting the measures taken by the Government to combat racism and the plan to set up a Commission for Unity and Racial Equality,

Noting with concern the report in the Royal Gazette of 23 November 1995 that approximately 19 per cent of Bermuda's households live in a state of poverty and continue to receive some form of assistance from the Government,

Noting also the report of the intended closure of the foreign military bases and installations in the Territory,

Taking into consideration the statement made in October 1995 by the Finance Minister on the transfer of those lands for development projects,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the

Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Calls upon the administering Power to continue its programmes of socio-economic development of the Territory;

3. Also requests the administering Power to elaborate, in consultation with the territorial Government, programmes of development specifically intended to alleviate the economic, social and environmental consequences of the closure of certain military bases and installations in the Territory.

4. British Virgin Islands

The Special Committee,

Referring to the general resolution above,

Noting the completion of the constitutional review in the Territory and the coming into force of the amended Constitution, and noting also the results of the general elections held on 20 February 1995,

Noting further the results of the constitutional review of 1993-1994, which made it clear that a prerequisite to independence must be a constitutionally expressed wish by the people as a result of a referendum,

Taking note of the statement made in 1995 by the Chief Minister of the British Virgin Islands that the Territory was ready for constitutional and political advancement towards full internal self-government and that the administering Power should assist through the gradual transfer of power to elected territorial representatives,

Noting that the Territory is emerging as one of the world's leading offshore financial centres,

Noting also the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money laundering,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Also requests the administering Power, specialized agencies and other organizations of the United Nations system and all financial institutions to continue to provide assistance to the Territory for socio-economic development and development of human resources, bearing in mind the vulnerability of the Territory to external factors.

5. Cayman Islands

The Special Committee,

Referring to the general resolution above,

Noting the non-receipt of up-to-date information on the Territory from the administering Power and that a last visiting mission took place in 1977,

Noting also that information considered by the Subcommittee on Small Territories, Petitions, Information and Assistance was made available from published sources,

Noting the constitutional review of 1992-1993, according to which the population expressed the sentiment that the existing relations with the United Kingdom of Great Britain and Northern Ireland should be maintained and that the current status of the Territory should not be altered,

Aware that the Territory has one of the highest per capita incomes in the region, a stable political climate, and virtually no unemployment,

Noting also the actions taken by the territorial Government to implement its localization programme to promote increased participation of the local population in the decision-making process in the Cayman Islands,

Noting with concern the vulnerability of the Territory to drug trafficking and related activities,

Noting further the measures taken by the authorities to deal with those problems,

Noting that the Territory has emerged as one of the world's leading offshore financial centres,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Also requests the administering Power, the specialized agencies and other organizations of the United Nations system to continue to provide the territorial Government with all required expertise to enable it to achieve its socio-economic aims;

3. Calls upon the administering Power and the territorial Government to continue to cooperate to counter problems related to money laundering, smuggling of funds and other related crimes, as well as drug trafficking;

4. Requests the administering Power, in consultation with the territorial Government, to continue to facilitate the expansion of the current programme of securing employment for the local population, in particular at the decision-making level.

6. Guam

The Special Committee,

Referring to the general resolution above,

Recalling that, in a referendum held in 1987, the people of Guam endorsed a draft Guam Commonwealth Act that would establish a new framework for relations between the Territory and the administering Power, providing for an increased measure of internal self-government for Guam and recognition of the right of the people of Guam to self-determination for the Territory,

Recalling also the requests by elected representatives and non-governmental organizations of the Territory that Guam not be removed from the list of the Non-Self-Governing Territories with which the Special Committee is concerned pending the exercise of self-determination by the Chamorro people,

Aware of the continued negotiations between the administering Power and the territorial Government on the draft Guam Commonwealth Act and on the future status of the Territory, with particular emphasis on the question of the evolution of the relationship between the United States of America and Guam,

Cognizant that the administering Power continues to implement its programme of transferring surplus federal land to the Government of Guam,

Noting that the people of the Territory have called for reform in the programme of the administering Power with respect to the thorough, unconditional and expeditious transfer of land property to the people of Guam,

Conscious that immigration into Guam has resulted in the indigenous Chamorros becoming a minority in their homeland,

Aware of the potential for diversifying and developing the economy of Guam through commercial fishing and agriculture and other viable activities,

Taking note of the proposed closing and realigning of four United States Navy installations on Guam and the request for the establishment of a transition period to develop some of the closed facilities as commercial enterprises,

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory and noting the recommendation of the 1996 Pacific Regional Seminar 2/ for sending a visiting mission to Guam,

1. Calls upon the administering Power to facilitate the exercise of self-determination by the Chamorro people of Guam for the Territory, as endorsed by the people of Guam in the draft Guam Commonwealth Act, and to keep the Secretary-General informed of the progress to that end;

2. Requests the administering Power to continue to assist the elected territorial Government in achieving its political, economic and social goals;

2/ A/AC.109/2058.

3. Also requests the administering Power, in cooperation with the territorial Government, to continue the transfer of land to the people of the Territory and to take the necessary steps to safeguard their property rights;

4. Further requests the administering Power to continue to recognize and respect the political rights and the cultural and ethnic identity of the Chamorro people and to take all necessary measures to respond to the concerns of the territorial Government with regard to the immigration issue;

5. Requests the administering Power to implement programmes specifically intended to promote the sustainable development of economic activities and enterprises by the Chamorro people;

6. Also requests the administering Power to continue to support appropriate measures by the territorial Government aimed at promoting growth in commercial fishing and agriculture and other viable activities.

7. Montserrat

The Special Committee,

Referring to the general resolution above,

Noting the non-receipt of up-to-date information on the Territory from the administering Power and that a last visiting mission took place in 1982,

Noting also that information considered by the Subcommittee on Small Territories, Petitions, Information and Assistance was made available from published sources,

Noting the functioning of a democratic process in Montserrat,

Taking note of the reported statement of the Chief Minister that his preference was for independence within a political union with the Organization of Eastern Caribbean States and that self-reliance was more of a priority than independence,

Noting with concern the dire consequences of a volcanic eruption, which led to the evacuation of a third of the Territory's population to safe areas of the island,

Noting also the efforts of the administering Power and the Government of the Territory to meet the emergency situation caused by the volcanic eruption, including the implementation of a wide range of contingency measures for both private and public sectors in Montserrat,

Noting further the coordinated response measures taken by the United Nations Development Programme and the assistance of the United Nations disaster management team,

Noting with deep concern that a substantial number of the inhabitants of the Territory continue to live in shelters because of volcanic activity,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Calls upon the administering Power, the specialized agencies and other organizations of the United Nations system, as well as regional and other organizations to provide urgent emergency assistance to the Territory in alleviating the consequences of the volcanic eruption.

8. Pitcairn

The Special Committee,

Referring to the general resolution above,

Taking into account the unique nature of Pitcairn in terms of population and area,

Expressing its satisfaction with the continued economic and social advancement of the Territory, as well as with the improvement of its communications with the outside world and its management plan to address conservation issues,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Also requests the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory.

9. St. Helena

The Special Committee,

Referring to the general resolution above,

Taking into account the unique character of the Territory, its population and its natural resources,

Aware of the request by the Legislative Council of St. Helena that the administering Power conduct a constitutional review in the Territory,

Noting the statement of 1995 by the administering Power that the Governor of the island would be ready to enter into debate on a constitutional review of St. Helena,

Aware of the establishment by the Government of the Territory of the Development Agency in 1995 to encourage private sector commercial development on the island,

Aware of the efforts of the administering Power and the territorial authorities to improve the socio-economic conditions of the population of St. Helena, in particular in the sphere of food production,

1. Requests the administering Power to conduct the constitutional review in the Territory, taking into account the wishes of its population;

2. Also requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

3. Further requests the administering Power and relevant regional and international organizations to continue to support the efforts of the territorial Government to address the socio-economic development of the Territory.

10. Turks and Caicos Islands

The Special Committee,

Referring to the general resolution above,

Noting the recent petition by the political leaders of the Territory addressed to the administering Power to recall the Governor and the decision by the administering Power to reject that petition,

Noting with interest the statement made and the information on the political and economic situation in the Turks and Caicos Islands provided by the Deputy Chief Minister of the Territory to the Pacific Regional Seminar held at Port Moresby in June 1996,

Taking note of the request by the Deputy Chief Minister of the Territory addressed to the Special Committee to visit the Territory and ascertain the wishes of the people of the Turks and Caicos Islands with regard to preparing themselves for self-government,

Noting also the establishment in November 1995 of the Action Committee for Political Independence, formed by prominent political figures from different parties, and its stated goal of educating the population on the disadvantages of the present colonial status and the benefits of independence,

Noting further the efforts by the Government of the Territory to strengthen financial management in the public sector, including efforts to increase revenue,

Noting with concern the vulnerability of the Territory to drug trafficking and related activities, as well as its problems caused by illegal immigration,

Noting the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money laundering,

1. Requests the administering Power, bearing in mind the view of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Invites the administering Power to take fully into account the wishes and interests of the Government and the people of the Turks and Caicos Islands in the governance of the Territory;

3. Calls upon the administering Power and the relevant regional and international organizations to continue to provide assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

4. Calls upon the administering Power and the territorial Government to continue to cooperate to counter problems related to money laundering, smuggling of funds and other related crimes, as well as drug trafficking.

11. United States Virgin Islands

The Special Committee,

Referring to the general resolution above,

Noting that general elections were held in November 1994,

Noting also that 27.5 per cent of the electorate participated in the referendum on the political status of the Territory on 11 October 1993, and that 80.4 per cent of those who voted supported the existing territorial status arrangements with the United States of America, and that the referendum left the status issue undecided,

Noting further the continuing interest of the territorial Government in seeking associate membership in the Organization of Eastern Caribbean States and observer status in the Caribbean Community,

Noting the necessity of further diversifying the Territory's economy,

Noting also that the question of Water Island is still under discussion between the Government of the Territory and the administering Power,

Noting further the efforts of the Government of the Territory to promote the Territory as an offshore financial services centre,

Noting with satisfaction that the Territory joined the International Drug Enforcement Conference as a full member in 1995, which would strengthen its capability to combat illegal drug trafficking,

Recalling the dispatch in 1977 of a United Nations visiting mission to the Territory,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Requests the administering Power to continue to assist the territorial Government in achieving its political, economic and social goals;

3. Also requests the administering Power to facilitate the participation of the Territory, as appropriate, in various organizations, in particular the Organization of Eastern Caribbean States and the Caribbean Community;

4. Welcomes the negotiations between the administering Power and the territorial Government on the question of Water Island.

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/AC.109/2061
23 July 1996

SPECIAL COMMITTEE ON THE SITUATION WITH
REGARD TO THE IMPLEMENTATION OF THE
DECLARATION ON THE GRANTING OF
INDEPENDENCE TO COLONIAL COUNTRIES
AND PEOPLES

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

Resolution adopted by the Special Committee at its 1456th meeting, on 22 July 1996

The Special Committee,

Recalling General Assembly resolution 1970 (XVIII) of 16 December 1963, in which the Assembly requested the Special Committee to study the information transmitted to the Secretary-General in accordance with Article 73 e of the Charter of the United Nations and to take such information fully into account in examining the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in Assembly resolution 1514 (XV) of 14 December 1960,

Recalling also General Assembly resolution 50/32 of 6 December 1995, in which the Assembly requested the Special Committee to continue to discharge the functions entrusted to it under resolution 1970 (XVIII),

Stressing the importance of timely transmission by the administering Powers of adequate information under Article 73 e of the Charter, in particular in relation to the preparation by the Secretariat of the working papers on the Territories concerned,

1. Reaffirms that, in the absence of a decision by the General Assembly itself that a Non-Self-Governing Territory has attained a full measure of self-government in terms of Chapter XI of the Charter of the United Nations, the administering Power concerned should continue to transmit information under Article 73 e of the Charter with respect to that Territory;

96-18703 (E)

2. Requests the administering Powers concerned to transmit or continue to transmit to the Secretary-General the information prescribed in Article 73 e of the Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned, within a maximum period of six months following the expiration of the administrative year in those Territories;

3. Requests the Secretary-General to continue to ensure that adequate information is drawn from all available published sources in connection with the preparation of the working papers relating to the Territories concerned;

4. Decides, subject to any decision which the General Assembly might take in that connection, to continue to discharge the functions entrusted to it under Assembly resolution 1970 (XVIII), in accordance with established procedures.

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/AC.109/2062
23 July 1996

SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

QUESTION OF THE FALKLAND ISLANDS (MALVINAS)

Resolution adopted by the Special Committee at its 1457th meeting, on 22 July 1996

The Special Committee,

Having considered the question of the Falkland Islands (Malvinas),

Aware that the maintenance of colonial situations is incompatible with the United Nations ideal of universal peace,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, 31/49 of 1 December 1976, 37/9 of 4 November 1982, 38/12 of 16 November 1983, 39/6 of 1 November 1984, 40/21 of 27 November 1985, 41/40 of 25 November 1986, 42/19 of 17 November 1987 and 43/25 of 17 November 1988, Special Committee resolutions A/AC.109/756 of 1 September 1983, A/AC.109/793 of 21 August 1984, A/AC.109/842 of 9 August 1985, A/AC.109/885 of 14 August 1986, A/AC.109/930 of 14 August 1987 and A/AC.109/972 of 11 August 1988, A/AC.109/1008 of 15 August 1989, A/AC.109/1050 of 14 August 1990, A/AC.109/1087 of 14 August 1991, A/AC.109/1132 of 29 July 1992, A/AC.109/1169 of 14 July 1993 and A/AC.109/2003 of 12 July 1994 and Security Council resolutions 502 (1982) of 3 April 1982 and 505 (1982) of 26 May 1982,

Distressed that, notwithstanding the time that has elapsed since the adoption of General Assembly resolution 2065 (XX), this prolonged dispute has not yet been settled,

Aware of the interest of the international community in the resumption by the Governments of the Argentine Republic and the United Kingdom of Great

Britain and Northern Ireland of their negotiations in order to find as soon as possible a peaceful, just and lasting solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas),

Expressing its preoccupation over the fact that the good level of relations between Argentina and the United Kingdom of Great Britain and Northern Ireland has not yet led to negotiations on the question of the Falkland Islands (Malvinas),

Considering that this situation should facilitate the resumption of the negotiations in order to find a peaceful solution to the dispute over sovereignty,

Reaffirming the principles of the Charter of the United Nations on the non-use of force or the threat of force in international relations and the peaceful settlement of international disputes,

Calling attention to the importance of the Secretary-General continuing his efforts to give full effect to the mission entrusted to him by the General Assembly in its resolutions on the question of the Falkland Islands (Malvinas),

Reaffirming the need for the parties to take due account of the interests of the population of the islands in accordance with the provisions of the General Assembly resolutions on the question of the Falkland Islands (Malvinas),

1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;

2. Notes the views expressed by the Minister for Foreign Affairs and Worship of Argentina on the occasion of the fiftieth session of the General Assembly; 1/

3. Regrets that, in spite of the widespread international support for a negotiation between the Governments of Argentina and the United Kingdom that includes all aspects on the future of the Falkland Islands (Malvinas), the implementation of the General Assembly resolutions on this question has not yet started;

4. Requests the Governments of Argentina and the United Kingdom to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas), in accordance with the provisions of General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25;

1/ A/50/PV.8.

5. Reiterates its firm support for the mission of good offices of the Secretary-General in order to assist the parties in complying with the request made by the General Assembly in its resolutions on the question of the Falkland Islands (Malvinas);

6. Decides to keep under review the question of the Falkland Islands (Malvinas) subject to the directives that the General Assembly has issued and may issue in that regard.

UNITED
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General Assembly

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GENERAL

A/AC.109/2063
23 July 1996

SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

DISSEMINATION OF INFORMATION ON DECOLONIZATION

Resolution adopted by the Special Committee at its 1456th meeting, on 22 July 1996

The Special Committee,

Having examined questions relating to the dissemination of information on decolonization,

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and other resolutions and decisions of the United Nations concerning the dissemination of information on decolonization, in particular Assembly resolution 50/40 of 6 December 1995,

Recognizing the need for flexible, practical and innovative approaches towards reviewing the options of self-determination for the peoples of Non-Self-Governing Territories with a view to achieving complete decolonization by the year 2000,

Reiterating the importance of dissemination of information as an instrument for furthering the aims of the Declaration, and mindful of the role of world public opinion in effectively assisting the peoples of Non-Self-Governing Territories to achieve self-determination,

Aware of the role of non-governmental organizations in the dissemination of information on decolonization,

1. Approves the activities in the field of dissemination of information on decolonization undertaken by the Department of Public Information and the Department of Political Affairs of the Secretariat;

2. Considers it important to continue its efforts to ensure the widest possible dissemination of information on decolonization, with particular emphasis on the options of self-determination available for the peoples of Non-Self-Governing Territories;

3. Requests the Department of Political Affairs and the Department of Public Information to take into account the suggestions of the Special Committee to continue their efforts to take measures through all the media available, including publications, radio and television, as well as the Internet, to give publicity to the work of the United Nations in the field of decolonization and, inter alia:

(a) To continue to collect, prepare and disseminate, particularly to the Territories, basic material on the issues of self-determination of the peoples of Non-Self-Governing Territories;

(b) To seek the full cooperation of the administering Powers in the discharge of the tasks referred to above;

(c) To maintain a working relationship with the appropriate regional and intergovernmental organizations, particularly in the Pacific and Caribbean regions, by holding periodic consultations and exchanging information;

(d) To encourage involvement of non-governmental organizations in the dissemination of information on decolonization;

(e) To report to the Special Committee on measures taken in the implementation of the present resolution;

4. Requests all States, including the administering Powers, to continue to extend their cooperation in the dissemination of information referred to in paragraph 2 above.

UNITED
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General Assembly

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GENERAL

A/AC.109/2064
23 July 1996

SPECIAL COMMITTEE ON THE SITUATION WITH
REGARD TO THE IMPLEMENTATION OF THE
DECLARATION ON THE GRANTING OF
INDEPENDENCE TO COLONIAL COUNTRIES
AND PEOPLES

ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION

Resolution adopted by the Special Committee
at its 1458th meeting, on 23 July 1996

The Special Committee,

Having considered the item entitled "Activities of foreign economic and other interests which impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination",

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, as well as all its other relevant resolutions, including, in particular, resolution 46/181 of 19 December 1991, endorsing the Plan of Action for the International Decade for the Eradication of Colonialism, 1/

Reaffirming the solemn obligation of the administering Powers under the Charter of the United Nations to promote the political, economic, social and educational advancement of the inhabitants of the Territories under their administration and to protect the human and natural resources of those Territories against abuses,

Reaffirming also that any economic or other activity that constitutes an obstacle to the implementation of the Declaration on the Granting of

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1/ See A/46/634/Rev.1 and Corr.1.

Independence to Colonial Countries and Peoples and obstructs efforts aimed at the elimination of colonialism is a direct violation of the rights of the inhabitants and of the principles of the Charter and all relevant resolutions of the United Nations,

Reaffirming further that the natural resources are the heritage of the indigenous populations of the colonial and Non-Self-Governing Territories,

Aware of the special circumstances of the geographical location, size and economic conditions of each Territory and bearing in mind the need to promote economic stability, diversification and strengthening of the respective economy of each Territory,

Conscious of the particular vulnerability of the small Territories to natural disasters and environmental degradation,

Conscious also that foreign economic investment when done in collaboration with the peoples of the Non-Self-Governing Territories and in accordance with their wishes could make a valid contribution to the socio-economic development of the Territories and could also make a valid contribution to the exercise of their rights to self-determination,

Concerned about the activities of those foreign economic, financial and other interests which exploit the natural and human resources of the Non-Self-Governing Territories to the detriment of the interests of the inhabitants of those Territories and deprive them of their rights to control the wealth of their countries,

Bearing in mind the relevant provisions of the final documents of the successive Conferences of Heads of State or Government of Non-Aligned Countries and of the resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, the South Pacific Forum and the Caribbean Community,

1. Reaffirms the inalienable right of the peoples of colonial and Non-Self-Governing Territories to self-determination and independence and to the enjoyment of the natural resources of their Territories, as well as their right to dispose of those resources in their best interests;

2. Affirms the value of foreign economic investment undertaken in collaboration with the people of the Non-Self-Governing Territories and in accordance with their wishes in order to make a valid contribution to the socio-economic development of the Territories;

3. Reiterates that any administering Power that deprives the colonial peoples of Non-Self-Governing Territories of the exercise of their legitimate rights over their natural resources, or subordinates the rights and interest of those peoples to foreign economic and financial interests, violates the solemn obligations it has assumed under the Charter of the United Nations;

4. Reaffirms its concern about the activities of those foreign economic, financial and other interests which continue to exploit the natural resources

that are the heritage of the indigenous populations of the colonial and Non-Self-Governing Territories in the Caribbean, the Pacific and other regions, as well as their human resources, to the detriment of their interests, thus depriving them of their right to control the resources of their Territories and impeding the realization by those peoples of their legitimate aspirations for self-determination and independence;

5. Reiterates its deep concern about those activities of foreign economic and other interests in the colonial and Non-Self-Governing Territories that are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV), and the efforts to eliminate colonialism;

6. Calls once again upon all Governments that have not yet done so to take, in accordance with the relevant provisions of General Assembly resolution 2621 (XXV) of 12 October 1970, legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction that own and operate enterprises in colonial and Non-Self-Governing Territories that are detrimental to the interests of the inhabitants of those Territories, in order to put an end to such enterprises and to prevent n w investments that run counter to the interests of the inhabitants of those Territories;

7. Reiterates that the damaging exploitation and plundering of the marine and other natural resources of colonial and Non-Self-Governing Territories by foreign economic interests, in violation of the relevant resolutions of the United Nations, is a threat to the integrity and prosperity of those Territories;

8. Invites all Governments and organizations of the United Nations system to take all possible measures to ensure that the permanent sovereignty of the peoples of colonial and Non-Self-Governing Territories over their natural resources is fully respected and safeguarded;

9. Urges the administering Powers concerned to take effective measures to safeguard and guarantee the inalienable right of the peoples of the colonial and Non-Self-Governing Territories to their natural resources and to establish and maintain control over the future development of those resources, and requests the administering Powers to take all necessary steps to protect the property rights of the peoples of those Territories;

10. Calls upon the administering Powers concerned to ensure that no discriminatory working conditions prevail in the Territories under their administration and to promote in each Territory a fair system of wages applicable to all the inhabitants without any discrimination;

11. Requests the Secretary-General to continue, through all means at his disposal, to inform world public opinion of those activities of foreign economic and other interests that impede the implementation of the Declaration;

12. Appeals to the mass media, trade unions and non-governmental organizations, as well as individuals, to continue their efforts for the full implementation of the Declaration;

13. Decides to follow the situation in the colonial and Non-Self-Governing Territories so as to ensure that all economic activities in those Territories are aimed at strengthening and diversifying their economies in the interest of the indigenous peoples and at promoting the economic and financial viability of those Territories, in order to facilitate and accelerate the exercise by the peoples of those Territories of their right to self-determination and independence;

14. Decides to keep the item under continuous review.

UNITED NATIONS **A**

General Assembly

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GENERAL

A/AC.109/2065
23 July 1996

SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

MILITARY ACTIVITIES AND ARRANGEMENTS BY COLONIAL POWERS IN TERRITORIES UNDER THEIR ADMINISTRATION

Decision adopted by the Special Committee at its 1458th meeting, on 23 July 1996

1. The Special Committee, having considered the item entitled "Military activities and arrangements by colonial Powers in Territories under their administration" and recalling General Assembly resolution 1514 (XV) of 14 December 1960 and all other relevant resolutions and decisions of the United Nations relating to military activities in colonial and Non-Self-Governing Territories, reaffirms its strong conviction that military bases and installations in the Territories concerned could constitute an obstacle to the exercise by the people of those Territories of their right to self-determination and reiterates its strong views that existing bases and installations, which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, should be withdrawn.

2. Aware of the presence of such bases and installations in some of those Territories, the Special Committee urges the administering Powers concerned to continue to take all necessary measures not to involve those Territories in any offensive acts or interference against other States.

3. The Special Committee reiterates its concern that military activities and arrangements by colonial Powers in Territories under their administration might run counter to the rights and interests of the colonial peoples concerned, especially their right to self-determination and independence. The Committee once again calls upon the administering Powers concerned to terminate such activities and to eliminate such military bases in compliance with the relevant resolutions of the General Assembly.

4. The Special Committee reiterates that the colonial and Non-Self-Governing Territories and areas adjacent thereto should not be used for nuclear testing, dumping of nuclear wastes or deployment of nuclear and other weapons of mass destruction.

5. The Special Committee deplores the continued alienation of land in colonial and Non-Self-Governing Territories, particularly in the small island Territories of the Pacific and Caribbean regions, for military installations. The large-scale utilization of the local resources for this purpose could adversely affect the economic development of the Territories concerned.

6. The Special Committee takes note of the decision of some of the administering Powers to close or downsize some of those military bases in the Non-Self-Governing Territories.

7. The Special Committee requests the Secretary-General to continue to inform world public opinion of those military activities and arrangements in colonial and Non-Self-Governing Territories that constitute an obstacle to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

8. The Special Committee decides, subject to any directives that the General Assembly may give in this connection at its fifty-first session, to continue to consider the item at its next session.

UNITED
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General Assembly

Distr.
GENERAL

A/AC.109/2066
25 July 1996

SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

QUESTION OF NEW CALEDONIA

Resolution adopted by the Special Committee at its
1461st meeting, on 24 July 1996

The Special Committee,

Having considered the question of New Caledonia,

Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960,

Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote political, economic and social development in the Territory, including measures in the area of environmental protection and action with respect to drug abuse and trafficking, in order to provide a framework for its peaceful progress to self-determination,

Noting also, in this context, the importance of equitable economic and social development, as well as continued dialogue among the parties involved in New Caledonia in the preparation of the act of self-determination of New Caledonia,

Welcoming the strengthening of the process of review of the Matignon Accords 1/ through the increased frequency of coordination meetings,

Noting with satisfaction the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region,

1. Urges all the parties involved, in the interest of all the people of New Caledonia and building on the positive outcome of the mid-term review of the Matignon Accords, to maintain their dialogue in a spirit of harmony;

2. Invites all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all New Caledonians according to the letter and the spirit of the Matignon Accords, which are based on the principle that it is for the populations of New Caledonia to choose how to control their destiny;

3. Welcomes measures that have been taken to strengthen and diversify the New Caledonian economy in all fields, and encourages further such measures in accordance with the spirit of the Matignon Accords;

4. Also welcomes the importance attached by the parties to the Matignon Accords to greater progress in housing, employment, training, education and health care in New Caledonia;

5. Acknowledges the contribution of the Melanesian Cultural Centre to the protection of the indigenous culture of New Caledonia;

6. Notes the positive initiatives aimed at protecting New Caledonia's natural environment, notably the "Zoneco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

7. Acknowledges the close links between New Caledonia and the peoples of the South Pacific and the positive actions being taken by the French and provincial authorities to facilitate the further development of those links, including the development of closer relations with the member countries of the South Pacific Forum;

8. Welcomes, in particular, in this regard, continuing high-level visits to New Caledonia by delegations from countries of the Pacific region and high-level visits by delegations from New Caledonia to member countries of the South Pacific Forum;

9. Decides, subject to any directives which the General Assembly may give at its fifty-first session, to continue its consideration of the item at its next session.

1/ See A/AC.109/1000, paras. 9-14.

UNITED
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General Assembly

Distr.
GENERAL

A/AC.109/2067
25 July 1996

SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

QUESTION OF SENDING VISITING MISSIONS TO TERRITORIES

Resolution adopted by the Special Committee at its 1461st meeting, on 24 July 1996

The Special Committee,

Having considered the question of sending visiting missions to Territories,

Having examined the report of the Acting Chairman on the question, 1/

Recalling the relevant resolutions and decisions of the General Assembly and the Special Committee requesting the administering Powers to cooperate fully with the United Nations by receiving visiting missions in the Territories under their administration,

Mindful that United Nations visiting missions provide an effective means of assessing the situation in those Territories and of ascertaining the wishes and aspirations of the peoples thereof regarding their future status,

Conscious that United Nations visiting missions enhance the capacity of the United Nations to assist the peoples of Non-Self-Governing Territories in attaining the objectives set forth in the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, and in other relevant resolutions of the Assembly,

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1/ A/AC.109/L.1848.

Noting with appreciation that, at the invitation of the Government of New Zealand, a visiting mission was dispatched to Tokelau in July 1994, 2/

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory of Guam, noting the recommendation of the 1996 Pacific Regional Seminar for the sending of a visiting mission to Guam, and taking note of resolution No. 464 (LS) of 19 July 1996 adopted by the twenty-third Guam legislature, in which it requested the dispatch of a United Nations visiting mission to that Territory,

Noting with regret that some administering Powers do not participate in the work of the Special Committee,

1. Stresses the need to dispatch periodic visiting missions to Non-Self-Governing Territories in order to facilitate the full, speedy and effective implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with respect to those Territories;

2. Calls upon the administering Powers to cooperate or continue to cooperate with the United Nations by receiving United Nations visiting missions in the Territories under their administration;

3. Requests the administering Powers to consider the new approaches in the work of the Special Committee and calls upon them to cooperate with the Special Committee in its efforts;

4. Requests its Chairman to continue consultations with the administering Powers concerned on the implementation of paragraph 2 of the present resolution and to report thereon to the Special Committee as appropriate;

5. Also requests its Chairman to enter into consultations with the administering Power of Guam with a view to facilitating the dispatch of a United Nations visiting mission to that Territory.

2/ A/AC.109/2009.

UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/AC.109/2068
6 August 1996

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Letter dated 26 July 1996 from the Permanent Representative of Afghanistan to the United Nations addressed to the Acting Chairman of the Special Committee

Owing to the need for special knowledge of the background, details and information on the matters in the current agenda of the Special Committee, the Afghanistan Mission - which has to take care of Afghanistan's membership in other United Nations bodies - cannot afford to provide the required resources of personnel in order to participate actively in the deliberations of the Special Committee.

The Permanent Mission of Afghanistan proposes to the Bureau that Afghanistan's membership in the Special Committee be considered as terminated and the members of the Subcommittee be accordingly informed about this decision of the Afghanistan Mission.

(Signed) Ravan A. G. FARHADI
Permanent Representative

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UNITED
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General Assembly

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GENERAL

A/AC.109/2069
25 July 1996

SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

QUESTION OF TOKELAU

Resolution adopted by the Special Committee at its 1463rd meeting, on 25 July 1996

The Special Committee,

Having considered the question of Tokelau and having heard the statements of the representatives of New Zealand, the administering Power, and the Ulu-o-Tokelau, the highest authority of Tokelau,

Recalling the solemn declaration on the future status of Tokelau delivered by the Ulu-o-Tokelau on 30 July 1994, that an act of self-determination in Tokelau is now under active consideration, together with the constitution of a self-governing Tokelau, and that the present preference of Tokelau is for a status of free association with New Zealand,

Recalling also the emphasis placed in the solemn declaration on the terms of Tokelau's intended free association relationship with New Zealand, including the expectation that the form of help Tokelau could continue to expect from New Zealand in promoting the well-being of its people, besides its external interests, would be clearly established in the framework of that relationship,

Noting with appreciation the continuing exemplary cooperation of New Zealand as the administering Power with the Special Committee relating to Tokelau and its readiness to permit access by United Nations visiting missions to the Territory,

Recalling the dispatch in 1994 of a United Nations visiting mission to Tokelau,

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/...

Noting that, as a small island Territory, Tokelau exemplifies the situation of most remaining Non-Self-Governing Territories,

Noting also that, as a case-study pointing to successful decolonization, Tokelau has wider significance for the United Nations as it seeks to complete its work in decolonization,

1. Notes that Tokelau remains firmly committed to the development of self-government and to an act of self-determination that would result in Tokelau assuming a status in accordance with the options on future status for Non-Self-Governing Territories contained in Principle VI of the annex to General Assembly resolution 1541 (XV) of 15 December 1960;

2. Also notes Tokelau's desire to move at its own pace towards an act of self-determination;

3. Commends Tokelau for seeking on the basis of wide consultation with its people a form of national Government that reflects its unique traditions and environment, and for charting its own constitutional course;

4. Acknowledges the collaboration between New Zealand and Tokelau regarding the Tokelau Amendment Act 1996, which provides Tokelau's national Government with a legislative power, supplementing the executive power delegated in 1994;

5. Also acknowledges Tokelau's need for reassurance, given that local resources cannot adequately cover the material side of self-determination, and the ongoing responsibility of Tokelau's external partners to assist Tokelau in balancing its desire to be self-reliant to the greatest extent possible with its need for external assistance;

6. Welcomes the assurances of the Government of New Zealand that it will meet its obligations to the United Nations with respect to Tokelau and abide by the freely expressed wishes of the people of Tokelau with regard to their future status;

7. Invites the administering Power and United Nations agencies to continue their assistance to the social and economic development of Tokelau.

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SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS

Resolution adopted by the Special Committee at its 1465th meeting, on 1 August 1996

The Special Committee,

Having considered the item entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations",

Having considered the reports submitted on the item by the Secretary-General 1/ and the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on his consultations with the President of the Economic and Social Council, 2/

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960, and resolutions of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, as well as other relevant resolutions and decisions,

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1/ A/51/212.

2/ A/AC.109/L.1853.

Bearing in mind the relevant provisions of the final documents of the successive Conferences of Heads of State or Government of Non-Aligned Countries and of the resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, the South Pacific Forum and the Caribbean Community,

Conscious of the need to facilitate the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV),

Noting that the large majority of the remaining Non-Self-Governing Territories are small island Territories,

Welcoming the assistance extended to Non-Self-Governing Territories by certain specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme,

Stressing that, because the development options of small island Non-Self-Governing Territories are limited, there are special challenges to planning for and implementing sustainable development and that those Territories will be constrained in meeting the challenges without the continued cooperation and assistance of the specialized agencies and other organizations of the United Nations system,

Stressing also the importance of securing necessary resources for funding expanded assistance programmes for the peoples concerned and the need to enlist the support of all major funding institutions within the United Nations system in that regard,

Reaffirming the mandates of the specialized agencies and other organizations of the United Nations system to take all the appropriate measures, within their respective spheres of competence, to ensure the full implementation of General Assembly resolution 1514 (XV) and other relevant resolutions,

Expressing its appreciation to the Organization of African Unity, the South Pacific Forum and the Caribbean Community, as well as other regional organizations, for the continued cooperation and assistance they have extended to the specialized agencies and other organizations of the United Nations system in this regard,

Expressing its conviction that closer contacts and consultations between and among the specialized agencies and other organizations of the United Nations system and regional organizations help to facilitate the effective formulation of assistance programmes to the peoples concerned,

Mindful of the imperative need to keep under continuous review the activities of the specialized agencies and other organizations of the United Nations system in the implementation of the various United Nations decisions relating to decolonization,

Bearing in mind the extremely fragile economies of the Non-Self-Governing small island Territories and their vulnerability to natural disasters, such as

hurricanes, cyclones and sealevel rise, and recalling the relevant General Assembly resolutions,

Recalling General Assembly resolution 50/34 of 6 December 1995 on the implementation of the Declaration by the specialized agencies and the international institutions associated with the United Nations,

1. Takes note of the report of its Acting Chairman on his consultations with the President of the Economic and Social Council 2/ and endorses the observations and suggestions arising therefrom; 3/

2. Also takes note of the report of the Secretary-General;

3. Recommends that all States intensify their efforts in the specialized agencies and other organizations of the United Nations system to ensure implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and other relevant resolutions of the United Nations;

4. Reaffirms that the specialized agencies and other organizations and institutions of the United Nations system should continue to be guided by the relevant resolutions of the United Nations in their efforts to contribute to the implementation of the Declaration and all other relevant General Assembly resolutions;

5. Reaffirms also that the recognition by the General Assembly, the Security Council and other United Nations organs of the legitimacy of the aspirations of the peoples of Non-Self-Governing Territories to exercise their right to self-determination entails, as a corollary, the extension of all appropriate assistance to those peoples;

6. Expresses its appreciation to those specialized agencies and other organizations of the United Nations system that have continued to cooperate with the United Nations and the regional and subregional organizations in the implementation of General Assembly resolution 1514 (XV) and other relevant resolutions of the United Nations, and requests all the specialized agencies and other organizations of the United Nations system to implement the relevant provisions of those resolutions;

7. Requests the specialized agencies and the international institutions associated with the United Nations, as well as regional organizations, to examine and review conditions in each Territory so as to take appropriate measures to accelerate progress in the economic and social sectors of the Territories;

8. Also requests the specialized agencies and the international institutions associated with the United Nations, as well as regional organizations, to strengthen existing measures of support and to formulate appropriate programmes of assistance to the remaining Non-Self-Governing

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Territories, within the framework of their respective mandates, in order to accelerate progress in the economic and social sectors of those Territories;

9. Recommends that the executive heads of the specialized agencies and other organizations of the United Nations system formulate, with the active cooperation of the regional organizations concerned, concrete proposals for the full implementation of the relevant resolutions of the United Nations and submit the proposals to their governing and legislative organs;

10. Also recommends that the specialized agencies and other organizations of the United Nations system continue to review at the regular meetings of their governing bodies the implementation of General Assembly resolution 1514 (XV) and other relevant resolutions of the United Nations;

11. Welcomes the continuing initiative exercised by the United Nations Development Programme in maintaining close liaison among the specialized agencies and other organizations of the United Nations system and in providing assistance to the peoples of Non-Self-Governing Territories;

12. Encourages Non-Self-Governing Territories to take steps to establish and/or strengthen disaster preparedness and management institutions and policies;

13. Requests the administering Powers concerned to facilitate the participation of appointed and elected representatives of Non-Self-Governing Territories in the relevant meetings and conferences of the agencies and organizations so that the Territories may benefit from the related activities of the specialized agencies and other organizations of the United Nations system;

14. Recommends that all Governments intensify their efforts in the specialized agencies and other organizations of the United Nations system of which they are members to ensure the full and effective implementation of General Assembly resolution 1514 (XV) and other relevant resolutions of the United Nations and, in that connection, accord priority to the question of providing assistance to the peoples of the Non-Self-Governing Territories;

15. Requests the Secretary-General to continue to assist the specialized agencies and other organizations of the United Nations system in working out appropriate measures for implementing the relevant resolutions of the United Nations and to prepare for submission to the relevant bodies, with the assistance of those agencies and organizations, a report on the action taken in implementation of the relevant resolutions, including the present resolution, since the circulation of his previous report;

16. Commends the Economic and Social Council for its debate and resolution on this issue and requests it to continue to consider, in consultation with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, appropriate measures for coordination of the policies and activities of the specialized agencies and other organizations of the United Nations system in implementing the relevant resolutions of the General Assembly;

17. Requests the specialized agencies to report periodically to the Secretary-General on the implementation of the present resolution;

18. Requests the Secretary-General to transmit the present resolution to the governing bodies of the appropriate specialized agencies and international institutions associated with the United Nations so that those bodies may take the necessary measures to implement the resolution, and also requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution;

19. Decides, subject to any directives the General Assembly might wish to give at its fifty-first session, to continue to examine the question and to report thereon to the Assembly at its fifty-second session.